

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Applicant respectfully submits that the disclosure of Applicant's application provides support for the amendments to the claims. For example, at least page 10, lines 17-30; page 11, lines 1-27; page 13, line 26, to page 14, lines 15, 18-24; page 15, lines 16-27; page 19, lines 25-30; page 20, lines 1-4, 6-13; page 23, lines 26-30; page 24, lines 1-23, and Figures 1, 5-9, 15-20, 24, 25 provide support for the amendments to the claims.

In the specification, paragraphs have been amended on pages 5, 7, 14, 24, 28, 29, 31, and 36.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application.

Claim Objections

Claims 12 and 18 are objected to for containing informalities. Applicant respectfully submits that the amendments to the claims render these objections moot. Reconsideration and withdrawal of these objections is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 3-15 and 17-20 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully submits that the amendments to the claims render these rejections moot. In addition, Applicant notes that the breadth of a claim is not to be equated with indefiniteness. See MPEP § 2173.04, citing *In re Miller*, 169 USPQ 597 (CCPA 1971).

Claim 20 is further rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully submits that the amendments to claim 20 render this rejection indefinite.

Reconsideration and withdrawal of these rejections is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-4 and 16 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pub. No. 2003/0233902 to Hijikata (hereafter "Hijikata"). Claims 1-4 and 16 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pub. No. 2005/0222742 to Yamamura (hereafter "Yamamura"). These rejections are respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Hijikata discloses a system that includes a controller that recognizes a running situation or state between vehicles and calculates a first risk level, a second risk level, and determines a risk potential RP on the basis of the first and second risk levels. See Hijikata at paragraphs 0026, 0027, 0033, and 0047. The controller then calculates an accelerator pedal reaction force command value on the basis of a constant value and the risk potential RP, which is inputted to an accelerator pedal reaction force control device. See Hijikata at paragraphs 0033, 0052, 0053, and 0055.

Yamamura discloses a system with a controller that, based on a detected state of the environment around a vehicle, determines a risk RP and a control logic that determines which accelerator pedal reaction force characteristic should be fed to an accelerator pedal unit 80. See Yamamura at paragraphs 0025 and 0031.

However, Hijikata and Yamamura do not disclose or suggest a device to weight a second reaction force value and a reaction force selection device to select one of a first

reaction force value and the weighed second reaction force value, as recited in claim 1. Claims 2-4 and 16 depend from claim 1. Hijikata and Yamamura are silent in regard to weighing a second reaction force value on the basis of at least one of a state of the detected obstacle and environment information around the vehicle and selecting one of the first reaction force value and the weighed second reaction force value, as recited in claim 1.

For at least the reasons discussed above, Hijikata and Yamamura do not anticipate claims 1-4 and 16 because Hijikata and Yamamura do not disclose all of the features of claim 1.

Claims 5-15 depend from claim 1 and are allowable for at least the reasons discussed above. Claims 18-20 include features similar to claim 1 and are also allowable for at least the reasons discussed above.

Completeness of the Office Action

Applicant notes that no prior art rejection has been provided for claims 5-15 and 17-20, apparently because these claims were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

As noted in MPEP § 2173.06, claims should be rejected with prior art references (in addition to being rejected under 35 U.S.C. § 112, second paragraph) when the degree of uncertainty and confusion about the claim language is not great and an interpretation of the claim language can be made. Applicant respectfully submits that any degree of uncertainty and confusion experienced by the Office was not too great to interpret the language of claims 5-15 and 17-20 and to apply and prior art that could have been applied. Therefore, the Office Action was not complete because the claims were not fully addressed. If a subsequent action by the Office includes a rejection, Applicant respectfully requests that the rejection be made Non-final because the current Office Action did not completely address the claims. Furthermore, Applicant submits that the lack of any prior art rejection of claims 5-15 and 17-20 indicate that these claims contain allowable subject matter and requests allowance of these claims.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

SEP 28 2009

Date _____

By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4011
Facsimile: (202) 672-5399

Glenn Law
Attorney for Applicant
Registration No. 34,371

Kevin McHenry
Attorney for Applicant
Registration No. 62,582